

City Council Work Session Agenda

Monday, November 2, 2015
4 p.m. City Council Chambers

1. **UDO Remapping – Large Area Public Comment Review**

At the October 19 work session staff introduced UDO zoning map public comments for two large areas: Oakwood and Prince Hall. In both areas commentor asks for more restrictive zoning for this area. Council identified specific areas where they would like to consider more restrictive zoning. Staff has provided direct mailed notice to all property owners affected by the potential change to the zoning map.

Staff will review the range of options presented to Council on October 19; if Council chooses they may act to revise the map for adoption for all or part of these areas.

2. **UDO Remapping – Less Restrictive Zoning Request**

This part of the work session will be focused on a request for **less restrictive** zoning. This request could be reviewed by the Planning Commission. An additional City Council public hearing would be required.

Staff will presented a range of options on October 26 with the intention of receiving direction from City Council on the item. Council asked that discussion of this item in Boylan Heights be continued to the November 2 work session.

3. **UDO Remapping – Public Hearing Text Change Comment Review**

This part of the work session will be focused on a number of individual comments that could be addressed by text changes to the Unified Development Ordinance. These comments are generally related to:

- Residential Infill Compatibility (Sec 2.2.7) requirements apply to residential districts (R-4, R-6, and R-10) and have been in effect since September 2013
- Height Requirements (Article 3.3)

Staff will present a range of options, with the intention of receiving direction from City Council on each item.

Index of attachments:

The following attachments are included for information.

a. UDO Remapping Staff Report

Planning staff has assembled a staff report that contains items for City Council consideration. A decision option matrix is included.

b. Related Comments

Planning staff has assembled comments related to the items for discussion.

City Council Work Session – 2 November 2015

Z-27B-14/Citywide Remapping

During the July 7th and July 21st public hearings, City Council received a number of comments regarding the UDO zoning map. Staff has processed these comments, and will present the City Council with options to address the comments.

This report includes:

- 2 large area requests previously discussed at the October 19 work session
- An item first discussed during the October 26 work session
- 2 special requests from Public Hearing comments

Each request for alternate zoning is formatted as shown here:

Location

Current	Current Part 10 zoning
Public Hearing	Zoning advertised as part of public hearing notification
Alternative	One or more options for Council consideration
Future Land Use	Future Land Use Map designation from the 2030 Comprehensive Plan
Urban Form	Urban Form Map designation, if any

Map of public hearing
advertised zoning

Oakwood

- [illegible]

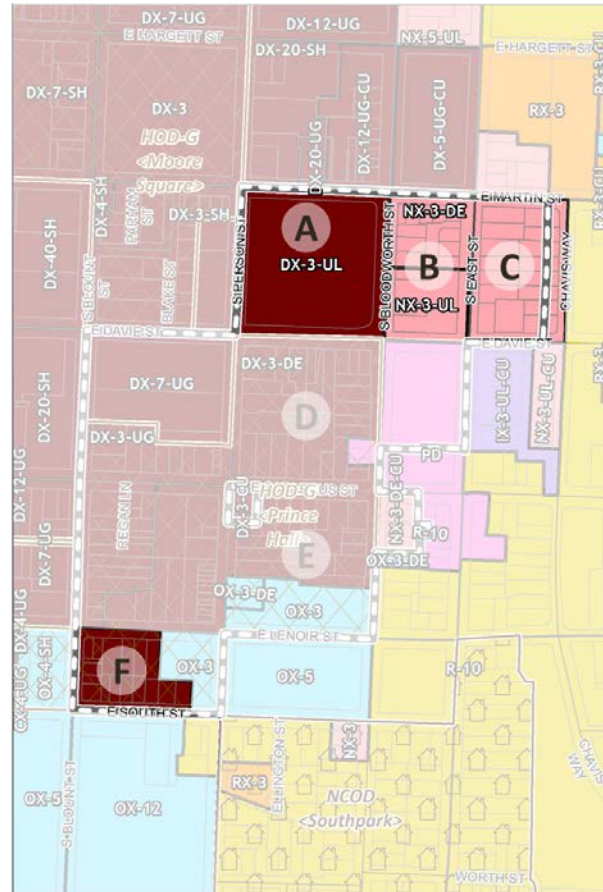
There is a pending privately-initiated case, Z-27-15, for 116, 120 S. East Street and 125, 127 S. Bloodworth Street. This case was recommended for approval by Planning

Commission. The case was first discussed by the Central CAC on October 5 and will be voted on by the CAC on November 2. The Public Hearing is scheduled for November 3.

In anticipation of the November 2 discussion, staff sent mailed notice to all affected property owners.

Prince Hall

- Requests different zoning for RB areas to limit intensity of use



41. Prince Hall (Residential Business Zoning)

Five comments requested map-related changes in Prince Hall. All commenters request different zoning for Residential Business (RB) zoned areas to limit intensity of use.

Among the RB areas advertised for DX and NX there are opportunities for alternative zoning of OX that would not create new nonconformities or a potential pattern of spot zoning. Council identified these areas for further discussion:

- Block bounded by E. Martin, S. Bloodworth, E. Davie, and S Persons Streets (Moore Square Middle School)
- Block bounded by E. Martin, S. East, E. Davie, and S. Bloodworth Streets
- Block bounded by E. Martin Street, Chavis Way, E. Davie Street, and S. East Street
- Block bounded by E. Lenoir, S. Person, E. South, and S. Blount Streets

Zoning related issues for Council consideration, in addition to citizen input, include:

- Location in the Prince Hall Historic Overlay District-General
- Existing entitlements associated with the Downtown Overlay District
- Existing entitlements for freestanding retail and personal service uses

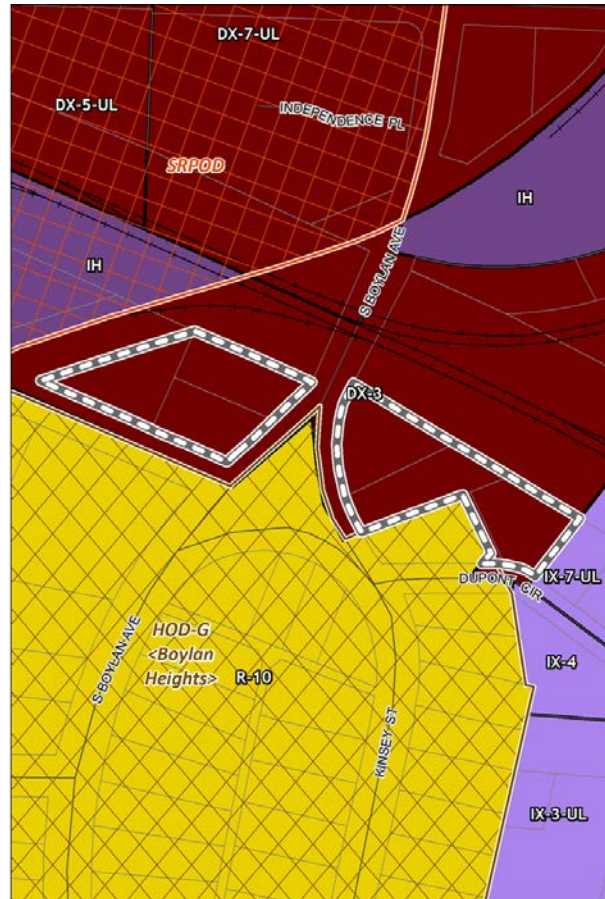
In anticipation of the November 2 discussion, staff sent mailed notice to all affected property owners.

B. *Item previously discussed on October 26*

706 Mountford St; 234 & 236 S.
Boylan Ave; 301 & 303 Kinsey St;
300 Dupont Cir

Current	IND-2 & NB
Public Hearing	DX-3
Alternative	IX-

Future Land Use	Office & Residential Mixed Use
Urban Form	Downtown; Transit Stop Buffer



61. **706 Mountford Street, 234 & 236 S. Boylan Avenue, 301 & 303 Kinsey Street, 300 Dupont Circle**

The commentor requests less restrictive zoning to allow continued use of the area by creative makers. Several commercial buildings are located on the parcels. Public Hearing advertised zoning for this area was DX based on guidance from the West Gateway Area Plan. The Alternative would neither create any new nonconformity, nor would it create a potential pattern of spot zoning.

One of these parcels was discussed by Planning Commission during their review. The property owner of 300 Dupont Circle requested DX zoning instead of IX zoning. The Planning Commission recommended DX zoning here in response to the comment from the owner.

C. Public Hearing Comments not specific to a property or area

67. Concerns about height, infill development, and neighborhood protections

Five commenters spoke about concerns related to residential infill development and redevelopment. This is not a concern that can be addressed by the citywide rezoning process. Section 2.2.7 Residential Infill Compatibility most directly relates to the commenters concerns. The comments could be addressed by a text change to the Unified Development Ordinance that would alter Section 2.2.7.

68. Downtown Height Designations

Two commenters spoke about Downtown height designations. Both advocate for greater height in the downtown area. Downtown height designations were reviewed during the May 18 work session and City Council made a variety of adjustments in advance of the July Public Hearing. At this point in the process, any increase in height designation would need to be referred to Planning Commission for additional review and recommendation.

One questioned the compatibility of UDO height requirements with LEED certification standards. Each Mixed Use District must include one of the following height designations. The designation establishes the maximum height in stories and feet for each mixed use district. For example, CX-7 has a maximum height limit of 7 stories and 90 feet:

Designation	Floors	Feet	Average feet per floor
-3	3	50	16.6
-4	4	62	15.5
-5	5	75	15.0
-7	7	90	12.8
-12	12	150	12.5
-20	20	250	12.5
-40	40	500	12.5

LEED, or Leadership in Energy & Environmental Design, is a green building certification program that recognizes best-in-class building strategies and practices. To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification. Prerequisites and credits differ for each of five rating systems, and designers choose the best fit for their project. Prerequisites and credits fall into nine categories:

- Integrative process
- Location and transportation
- Materials and resources
- Water efficiency
- Energy and atmosphere

- Sustainable sites
- Indoor environmental air quality
- Innovation
- Regional priority credits

Among these categories, energy and atmosphere or indoor environmental air quality would be most likely to impact building floor height; however there are no floor-to-floor height requirements or building floor height requirements inherent to LEED certification. To increase allowed building height (feet) would require a text change to modify Article 3.3 Height Requirements.

C. Summary of Options for Council Consideration

Item	Public Hearing Comment	Area / Property	Current Zoning	Public Hearing Zoning	Alt 1	Alt 2	Alt 3
40	PH-140 thru PH-155	Oakwood	RB	NX-	OX-		
41	PH-156 PH-157 PH-158	Prince Hall	RB	DX- / NX-	OX-		
61	PH-176	706 Mountford St, 234 & 236 S. Boylan Ave, 301 & 303 Kinsey St, 300 Dupont Cir	IND-2 & NB	DX-3	IX-3		
67	PH-185 thru PH-189	Neighborhood Infill & Compatibility	N/A	N/A	Text Change		
68	PH-190 PH-191	Downtown Height Designations	N/A	N/A	Text Change		



To: Mayor McFarlane
Members of the City Council

From: Travis R. Crane

Date: October 30, 2015

Re: UDO Zoning Map/Public Hearing Comments

The City Council received many comments received during the July 7th and July 21st UDO rezoning public hearing. Staff continues to bring these comments forward for City Council consideration. While most of the comments are related to a specific property, some are more general in nature. This memorandum provides information related to some general comments, mostly related to the regulations contained in the UDO.

Background Information

Staff has identified six comments for discussion. These comments are focused on two general topics:

- Residential teardowns and reconstruction; and
- Building height

A synopsis of the comments is attached to this packet of information. These specific comments are numbered 185-190.

Residential Teardowns

This grouping of comments relates to the teardown of existing, modest single-family structures and the replacement with larger residential single-family structures. The commentors collectively stated that residential teardowns have an impact on affordable housing, force the removal of trees and change the character of a neighborhood. After the public hearing, staff took a driving tour with one of the commentors in the Fallon Park and Five Points area.

The UDO contains new regulations for residential infill construction. All new single-family construction on an existing lot in the residential zoning districts must comply with these standards. These regulations require a front yard setback that has a relationship to the surrounding structures. Building height at the side setback line is constrained to a maximum of 22 feet. Additional building height is possible through an increase in side yard

setbacks. Finally, large, expansive side walls must contain some sort of articulation, which breaks the mass of a building elevation. These regulations were reviewed extensively during the UDO adoption process by the Planning Commission and have been in place since 2013. The previous Part 10 Code did not contain contextual infill standards outside of the Special R-30 zoning district, which was not widely mapped.

The removal of trees on one single family lot is not regulated in the UDO. This type of development is classified as a plot plan. Staff cannot require exactions, such as public improvements or tree conservation with the approval of a plot plan.

The UDO zoning map would not impact these infill regulations. If the City Council wishes to revisit these regulations, a text change would be required.

Building Height

This grouping of comments contains two perspectives. The first is a concern about the potential for three story residential buildings. The second is a concern that the floor to ceiling heights in towers should be increased and the overall height cap should be increased above a maximum of 40 stories.

The previous Part 10 code did not contain true maximum building height regulations, outside of prescribed Overlay Districts. The previous zoning districts set a maximum building height at the setback line. Building height could increase by one foot for every one foot of additional setback provided. A very large property could theoretically have a very tall building. Additional height could be granted through the preliminary site plan process with review by the Planning Commission.

The UDO sets hard height caps, measured both in number of stories and measurement in feet. The height category is established at the rezoning stage. This produces a much more predictable outcome.

One of the commentors expressed concern regarding the potential increase in building height from a forty foot maximum to a fifty foot maximum. Single family houses in a UDO residential district can be constructed to a maximum of 40 feet. The mixed use districts permit a three story building of 50 feet. Some of the zoning districts in the Part 10 Code did set a building height of 40 feet; however, as discussed above this is not a maximum allowance.

One of the commentors stated that an increase from a maximum of 40 feet to a maximum of 50 feet can have a deleterious effect. The commentor stated that this increase in height can have a negative impact on infrastructure. It is worth noting that the UDO also measures height to the peak of the roof, while the previous Part 10 code measured height to the midpoint of the roof.

One commentor sent an email to the City Council the day of the public hearing, although comments were not delivered at the hearing. This commentor asks the City Council to consider increasing the floor-to-ceiling height in taller building to accommodate LEED certification. The commentor continues that the downtown area should not have a height cap, and that a hard height cap can constrain potential in downtown.

If the City Council wishes to alter the standards related to height, a text change would be required.

City Council Work Sessions: Summary of Council Decisions

Z-27B-14/Citywide Remapping

Discussed; no further action	25
More restrictive zoning	5
Less restrictive zoning; referred to Planning Commission for further review	17
Pending	20

Item	Public Hearing Comment	Area / Property	Current Zoning	Public Hearing Zoning	Work Session Date	Decision
1	PH-012	5205 Hillsborough St	IND-2 w/SRPOD	IH w/SRPOD	9/8/2015	Modify to IX-3-PL w/SRPOD
2	Staff Referral	5301 Hillsborough St	IND-2 w/SRPOD	IH w/SRPOD	9/8/2015	Modify to IX-3-PL w/SRPOD
3	PH-013	Umstead Park	TD w/AOD	IX-3-PK w/AOD	9/8/2015; 10/26/2015	Modify to R-4 w/AOD
4	PH-014 PH-015	9721, 9733 & 9745 Fonville Rd.	BC w/UWPOD	NX w/UWPOD	9/8/2015; 10/26/2015	Referred to Planning Commission
5	PH-016	6700 & 7022 Capital Blvd.	CUD TD w/SHOD-2	CX-5-PK-CU w/SHOD-2	9/8/2015	No change
6	PH-017	2600, 2604 & 2620 Hillsborough St.	NB w/PBOD & SRPOD	NX-4-SH	9/8/2015	No change
7	PH-018	1115 & 1201 W. Lenoir St.	IND-2 w/HOD-G	IX-3 w/HOD-G	9/8/2015	No change
8	PH-019	615 & 715 S. East St.	R-20 w/NCOD	R-10 w/NCOD	9/14/2015	No change
9	PH-019 PH-020	230 & 234 E. South St.; 706 S. Person St.	O&I-2	R-10	9/14/2015	Referred to Planning Commission
10	PH-021	Block of Hillsborough St., N. West St., W. Morgan St. & RR tracks	BUS w/DOD	DX-12-SH	9/14/2015	No change
11	PH-022	0 Gresham Lake Rd.	IND-1 w/SHOD-2	IX-3 w/SHOD-2	9/14/2015	Referred to Planning Commission
12	PH-023	800 & 900 Jones Franklin Rd.	SC w/SHOD-2	CX-3 w/SHOD-2	9/14/2015	No change
13	PH-024	6301 Mt. Herman Rd.	TD w/AOD	IX-3-PK w/AOD	9/14/2015	Referred to Planning Commission
14	PH-025	2824 & 2834 Spring Forest Rd.	IND-1	IX-3-PL	9/14/2015	No change
15	PH-026	8024 Glenwood Ave.	CUD NB	OX-3-CU	9/14/2015	Referred to Planning Commission
16	PH-027	2811 Capital Blvd.	IND-1	CX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
17	PH-028	3520 Capital Blvd.	IND-1	IX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
18	PH-029	4800 Capital Blvd.	IND-1	IX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15

Item	Public Hearing Comment	Area / Property	Current Zoning	Public Hearing Zoning	Work Session Date	Decision
19	PH-029	5401 Capital Blvd.	IND-1	IX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
20	PH-029	5601, 5603, & 5613 Capital Blvd.	IND-1	CX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
21	PH-030	6830 Old Wake Forest Rd., 5837, 5839, 6001 Capital Blvd.	IND-1	IX-3-PL, IX-3 CX-3-PL (Capital)	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
22	PH-031	2120 New Bern Ave.	SC	CX-3-UL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
23	PH-032	3820 New Bern Ave.	IND-1 w/SHOD-4	CX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
24	PH-033	4000 New Bern Ave.	IND-1	CX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
25	PH-034	1930 Wake Forest Rd.	IND-2	IX-3-PL	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
26	PH-035	4205 Pleasantville Dr., 4125 & 4133 Mitchell Mill Rd.	CUD SC	CX-3-PL-CU	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
27	PH-036	118-122 W. Peace St.; 601 N. Salisbury St.	NB	DX-7-UG	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
28	PH-037	2008 Hillsborough St.	BC w/SRPOD & PBOD	NX-4-UG w/SRPOD	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
29	PH-038	1634 Glenwood Ave.	NB	CX-3-UG	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
30	PH-039	4101 Toyota Dr.; 0, 9101, 9201, 9209 & 9225 Glenwood Ave.	TD w/AOD	IX-3-PK w/AOD & MPOD (part)	9/14/2015; 11/9/2015	Held pending resolution of TC-4-15
31	PH-040 PH-041	Brier Creek	CUD TD	Various (with PK)	9/14/2015	Referred to Planning Commission
32	PH-042	4551 Brockton	R-10 & R-15	RX-3	10/12/2015	No change
		4505 Hoyle	CUD R-15	RX-3-CU	10/12/2015	
		Millbrook Village	R-20	RX-3	10/12/2015	
33	PH-043	Oakwood Ave, College Park	R-20	RX-3	10/12/2015	No change
		New Bern Ave, College Park	NB BUS	NX-3-UL CX-3-PL	10/12/2015	No change
34	PH-044 PH-045 PH-046 PH-047	Glenwood Brooklyn	SP R-30	RX-3	10/12/2015; 11/9/2015	Held for further discussion
			SP R-30	R-10	10/12/2015; 11/9/2015	Held for further discussion
35	PH-048	1440 Rock Quarry Rd & 2003 S State St	TD w/SHOD-1	IX-5 w/SHOD-1	10/12/2015	Modify to CX-5 w/SHOD-1
36	PH-049	3312 New Bern Ave	CUD TD w/SHOD-1	CX-3-PK-CU, RX-3-PK-CU w/SHOD-1	10/12/2015	Referred to Planning Commission
37	PH-050	814 Rock Quarry Rd	R-10 & NB	R-10 & NX-3-PL	10/12/2015	No change

Item	Public Hearing Comment	Area / Property	Current Zoning	Public Hearing Zoning	Work Session Date	Decision
38	PH-051 thru PH-056	UDO Refinements	N/A	N/A	10/12/2015	No change
39	PH-057 thru PH-139	Not Map Related Comments	N/A	N/A	10/12/2015	No further action
40	PH-140 thru PH-155	Oakwood	R-20	RX-3	10/19/2015	Modify Honey Lane block to R-10;
			RB	NX-3	10/19/2015; 11/2/2015	Deferred RB area for further consideration of potential change to OX-
41	PH-156 PH-157 PH-158	Prince Hall	RB	DX- / NX-	10/19/2015; 11/2/2015	Deferred RB area for further consideration of potential change to OX-
42	PH-159	1900 Blue Ridge Rd	O&I-1 & AP	CX-5-UL, CX-12-UL, OX-3	10/19/2015	Referred to Planning Commission
43	PH-160	5420, 5500 & 5510 Capital Blvd	TD	IX-3-PK	10/19/2015	Referred to Planning Commission
44	PH-161	425 S Person St	RB w/HOD-G & DOD	DX-3-DE w/HOD-G	10/19/2015	No change
45	PH-162	105 & 107 Stronachs Aly; 116 E Cabarrus St; 512 S Blount St; 513 S Wilmington St	BUS w/DOD	DX-7-SH DX-7-UG DX-12-UG	10/19/2015	No change
46	PH-163	300 Hillsborough St	BUS w/DOD	DX-20-SH	10/19/2015	No change
47	PH-164	111, 115, 117, 119, & 123 E Hargett St; 131-137 S Wilmington St	BUS w/DOD & HOD-G	DX-7-SH w/HOD-G	10/19/2015	No change
48	PH-165	600 W Hargett St	IND-2 w/DOD	DX-3	10/19/2015	Referred to Planning Commission
49	PH-166	18 Commerce Pl; 319 & 325 W Martin St; 328 W Davie St	IND-2 w/DOD	DX-5-SH	10/19/2015	No change
50	PH-167	321 W Davie St; 416 & 418 S Dawson St	IND-2 w/DOD	DX-4-SH	10/19/2015	No change
51	PH-168	404 & 406 S Dawson St	IND-2 w/DOD	DX-4-SH	10/19/2015	No change
52	Staff	600 S. Blount & 125 E. South Street	NB w/HOD-G, part DOD	OX-4-SH w/HOD-G	10/19/2015	Referred to Planning Commission
53	Staff	West Condos	IND-2 w/DOD	DX-12-SH	10/19/2015	Referred to Planning Commission
54	PH-178	Dresser Ct & Benson Dr	O&I-3	OX-3	10/26/2015	No change
55	PH-170	509 Pylon Dr	IND-2 w/SRPOD	IX-3 w/SRPOD	10/26/2015	No change
56	PH-171	4661 Paragon Park Rd	IND-1	IX-3	10/26/2015	No change
57	PH-172	615 W Peace St	NB w/PBOD	NX-3-UG	10/26/2015	No change

Item	Public Hearing Comment	Area / Property	Current Zoning	Public Hearing Zoning	Work Session Date	Decision
58	PH-173	1408 Brookside Dr	O&I-1	RX-3	10/26/2015	Referred to Planning Commission
59	PH-174	4428 James Rd	R-6 w/SHOD-4	R-6	10/26/2015	No change
60	PH-175	6321 Mt Herman Rd	TD w/AOD & SHOD-2	IX-3-PK w/AOD & SHOD-2	10/26/2015	No change
61	PH-176	706 Mountford St, 234 & 236 S. Boylan Ave, 301 & 303 Kinsey St, 300 Dupont Cir	IND-2 & NB	DX-3	10/26/2015; 11/2/2015	Held for further discussion
62	PH-177	101, 111, 117 E South St; 118 E. Lenoir St	NB w/DOD, partial w/HOD-G	CX-4-UG & DX-4-UG w/HOD-G	10/26/2015	Referred to Planning Commission
63	PH-179	3900 Sumner Blvd	TD	CX-3-UL	10/26/2015	Referred to Planning Commission
64	PH-180	4208 New Bern Ave	IND-1 w/SHOD-3	IX-3-PK	10/26/2015	Referred to Planning Commission
65	PH-181	900 & 904 Coleman St	R-20	R-10	10/26/2015	Referred to Planning Commission
66	PH-182 PH-183	2838 Wake Forest Rd	IND-1	CX-3-PL	10/26/2015; 11/9/2015	Held pending resolution of TC-4-15
67	PH-185 thru PH-189	Residential Infill Compatibility	N/A	N/A	11/2/2015	
68	PH-190 PH-191	Downtown Height Designation	N/A	N/A	11/2/2015	

Speaker Comments from Z-27-14 Public Hearings

Comment ID	Date	Speaker	Subject Address (Property Discussed)	Comment at Public Hearing	Existing Zoning	Proposed Zoning	Future Land Use
PH-184	7/7/2015	Roger Kosak	8029 and 8131 Creedmoor Rd.	Related to Z-22-14; would like the case removed from Z-27.	CUD O&I-1	OX-3-CU	Office & Residential Mixed Use
PH-185	7/7/2015	Nancy Mullin	103 W Aycock St	Lives in Five Points; expressed concerns that lots of tear down / reconstruction in area is changing character of neighborhood & reducing affordable housing.	R-10 w/NCOD	R-10 w/NCOD	Low Density Residential
PH-186	7/7/2015	Carol Ashcraft	1511 Carson St	Requests attention be given to older neighborhoods; that CX not be near neighborhoods; expressed concerns about teardowns, destruction of trees, loss of character.	R-10 w/NCOD	R-10 w/NCOD	Low Density Residential
PH-187	7/21/2015	Peggie Feddersen (represented by Gail Wiesner)	541 Barksdale Dr.	Gail Wiesner read a letter from Peggie Feddersen; concerned about height change from 40 to 50 feet; concerns about growth and ability of infrastructure to handle it.	R-10	R-10	Low Density Residential
PH-188	7/21/2015	Marilyn Falk	4201, 4205, & 4209 Willow Oak Rd; 1901 N New Hope Rd	Concerned about potential for 3 story buildings, preferring they be 1-story; Requested more time for public comment.	O&I-1	OX-3	Low Density Residential
PH-189	7/21/2015	Carolyn Guckert	General Concerns	Concern about infill development in older neighborhoods; charm of Raleigh can be destroyed without public comments; diversity of the neighborhoods being removed as quads & tris removed for SF infill.	N/A	N/A	N/A
PH-190	Direct Email to CC; 7/21/2015	Dwight Nipper	Downtown	Would you Please consider changing your feet height in future UDO High Rise Projects? If any of these projects are LEED Projects, then the footage is way to short. For example, Charter South being just 11 stories is 210 feet high. I'm guessing on this, but shouldn't a LEED Project be 15 feet per floor? What would be wrong for our downtown core area , to not have any limit on the height? If a developer wanted to build a 600 to 700 foot tower, what is wrong about this in the downtown core? Raleigh has so much potential if we would not limit our downtown skyline that is located in our city core.	N/A	N/A	Central Business District
PH-191	Direct Email to CM; 7/27/15	Ernest Pecounis		<p>I would like to ask for a clarification on the height caps, in Downtown Raleigh. The Raleigh 2030 plan seems to restrict the height in most areas of our business district to 20 floors. This is, in my humble opinion - many other downtown enthusiasts feel the same way - a ridiculously low number and I find it hard to believe that there is an individual in our city who feels that heights should be restricted to such a low height.</p> <p>My question is the following: Does the 20-floor cap mean that a developer cannot build above 20 floors, or does it mean that a different process needs to be followed? If the latter is true, do we encourage developers to go above 20 floors or make it harder for them to consider skyscrapers, except for a few blocks?</p>	Multiple	Multiple	0

Central CAC UDO Remapping Public Hearing Comments on Z-27- 14

Over the past year the Central CAC has been involved in discussions about the 2030 Comprehensive Plan and the UDO as they pertain to a growing number of rezoning cases. A number of rezoning proposals and even remapping to new UDO zoning districts directly conflict with adjacent homes and neighborhoods. These conflicts have highlighted the gap between the UDO and the Comprehensive Plan's visions and policies to protect and preserve neighborhoods.

The gap is real and is evidenced by the Planning Department's proposed changes to the Comprehensive Plan. These proposed changes threaten to eliminate edge conditions and revise fundamental definitions of neighborhoods . Proposals to change the Comprehensive Plan that was developed with extensive citizen input are unacceptable and opposed. The UDO is the law that is meant to implement the Comprehensive Plan and needs to be changed to meet the vision and policies of the Comprehensive Plan. The plan is a community drafted document designed to achieve consensus to balance development with neighborhood preservation

The disregard for appropriate transitions for edge neighborhoods in proposed zonings for the eastern and western edge neighborhoods of the Central CAC are viewed as having a tremendous negative impact on all of these areas. The South Park Neighborhood , located on the eastern edge of the downtown is currently zoned Residential Business with a proposed change to DX which will allow for complete change in the character of the neighborhood permitting a proliferation of bars, restaurants, lounges with alcohol permits, operating seven days a week until 2:00 AM, and no off street parking requirement , causing residents to lose more access to parking in front of their homes. The parking is already overburdened during work week hours and weekend events. Evening and weekend parking will dominate more of the resident parking in these areas, rendering without any parking in front of their homes. DX and NX are not desirable for the eastern edge neighborhoods and recommend the designation of OX for this area.

The western edge neighborhoods, the Nash Square/Warehouse areas, are concerned about the dramatic increase in the height of buildings ; the increase to 20 stories is deemed to be inappropriate and inconsistent with the stair step terracing starting from Fayetteville Street , the central corridor. A 20 story building is 10 times the average height of buildings in the area. The DX 20 is viewed as inappropriate zoning for the western edge of the downtown area within the Central CAC boundaries.

The Central CAC has opposed rezoning cases within these edge neighborhoods where the UDO mapping proposed changes have been presented.

Submitted by:

Frances Lonnette Williams, Chair
Central CAC

Date: 8.18.15

To: The creative community of designers, artists, & craftspeople working in spaces adjacent to the railroad tracks on the northern fringes of Boylan Heights.

From: Frank Harmon, Mike Cindric, and Susan Toplikar;
706 Mountford Avenue

Re: Proposed zoning changes by the City of Raleigh and how they affect the community of artists, designers, and craftspeople who live and/or work in this area.

Hello!

The City of Raleigh has recently proposed a UDO (Unified Development Ordinance) that could significantly impact the usage and value of the spaces we utilize as studios within Boylan Heights. There is much confusion about the ramifications of the UDO. Ken Bowers, Raleigh's Director of City Planning, has agreed to meet with us to clarify the UDO and its effects on our community.

Our goal is twofold. We want to hear Ken's explanation of the UDO. We also want to make Ken aware of the uniqueness of our group. We are a community of 'makers': cabinetmakers, sculptors, painters, potters, woodworkers, installation artists, blacksmiths, carpenters, tile-makers, craftsmen, and designers of all stripes. Our spaces, nestled within the curve of the railroad tracks that divide residential Boylan Heights from the Warehouse District and extending for over a mile to the side door of the State Prison, are a collection of warehouses, studios, garages, outbuildings, and storage sheds that afford the industrial-type space preferred for the kind of work we do. We represent the largest and most diverse artistic collective within the city. We fear that the zoning changes proposed in the UDO could encourage high density development in our district, erode the industrial nature of our community, fracture the existing comraderie of the 'makers' and the community, and eradicate Raleigh's last remaining contiguous enclave of artists, craftspeople, and designers. While we empathize with the notion of increasing downtown density as a way of developing a vibrant and festive urban district, we feel that extending that zone across the tracks into Boylan Heights could potentially eliminate our community of *makers* and their spaces.

Information gathering session with Ken Bowers:

- **Thursday 8.20.15; 8:30 AM**
- **706 Mountford Avenue (please park on the street; Compost Now has trucks using the 706 parking lot)**
- **Coffee will be provided**

Please attend!

From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: FW: Boylan Heights meeting
Date: Friday, August 21, 2015 5:21:28 PM

Bynum Walter, AICP
Senior Planner
Long Range Planning Division
Raleigh Department of City Planning
One Exchange Plaza, Suite 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-2178 (v); 919-516-2684 (f)
<http://www.raleighnc.gov>

From: Bowers, Kenneth
Sent: Friday, August 21, 2015 5:20 PM
To: Frank Harmon
Cc: Hannah Ross; Crane, Travis; Walter, Bynum
Subject: RE: Boylan Heights meeting

Frank:

A few clarifications. It is DX that does not permit light industrial. IX permits both light manufacturing and light industrial. DX only permits light manufacturing. That is the source of the concern.

Also, DX provides parking reductions, but IX does not, unless it is paired with an Urban Frontage, in which case it does. If the desire is to lower redevelopment pressure, it would be better to not apply urban frontage and to maintain existing parking non-conformities.

I have three pieces of additional information since we met:

First, I am concerned about the composting business. Commercial composting is considered a waste-related service, similar to a landfill, and requires heavy industrial zoning. If they are doing their composting on-site, that would be a problem under IX. Please let us know what type of composting activity is occurring on the property.

Second, I was mistaken regarding the zoning for this area having been raised at the public hearing. It was not. However, I understand that Council Member Stephenson is going to raise it, so it should still be considered.

Third, our zoning administrator informs me that we are interpreting IX as being ***less*** restrictive than DX. Therefore, this area will have to go into the pile of less restrictive requests that get referred back to Planning Commission and then reheard at a fresh public hearing. For this and other reasons, we will ***not*** be putting this item on the Council work session agendas in September. We will let everyone know when it is coming up.

Thanks for organizing the discussion yesterday. Onward and upward.

Cheers,
Ken

Ken A. Bowers, AICP

Director
City Planning
City of Raleigh
One Exchange Plaza, Suite 304
Raleigh, NC 27602-0590

919-996-2633
fax 996-2684
kenneth.bowers@raleighnc.gov

From: Frank Harmon [<mailto:frank@frankharmon.com>]
Sent: Friday, August 21, 2015 12:11 PM
To: Bowers, Kenneth
Cc: Hannah Ross
Subject: Boylan Heights meeting

Hello Ken,

Thank you again for coming to our meeting yesterday and helping us understand the Capital UDO. Below is a portion of our minutes as we understand them. Could you clarify any misinterpretations that we may have included?

Thanks for getting back to me and I hope you have a good vacation next week.

4) Grave concerns about this potential zoning plan have been respectfully addressed to City Planners by residents in Boylan Heights, as well as those who utilize the existing industrial spaces for creative ventures. Ken Bowers, representing the City, made it clear that they were listening and responding to these concerns.

They suggested today the current DX zoning identification be changed to IX-3: Industrial Mixed Use, 3 stories height limit. This is the most liberal zoning. It allows for light manufacturing: clothing, textiles, jewelry, clay, music, photography sculpture, office, warehouse, etc., but not light industrial: bottling, bus/rail, lawn services, dry cleaning, auto sales, as examples given. IX3 also reduces parking requirements, and would allow live-work studios and workshops.

Light industrial and retail would be allowed on the first floor, with residential living spaces on the 2nd and 3rd floors. No frontage requirements and parking reductions are part of IX-3 that make this zoning compatible with current maker community uses.

5) Our group can help city staff by identifying uses that are prohibited in DX that are permitted in IX. This would help staff change zoning to IX3.

6) Ken suggested that all who are concerned should go to the UDO remapping website and go through the DX accepted uses and prohibited uses to review and respond. Suggestions will be received and considered.

Any concerns should be made directly to City Council members. Russ Stephenson, who attended this meeting today, will be available to receive and discuss these concerns.

A staff report in response to this zoning issue will be made public on September 1st, on the UDO website.

7) Ken also encouraged us to review the staff response by September 1 and send our comments to city staff or City Council members (add email addresses).

--

Frank

FRANK HARMON ARCHITECT PA

14 E Peace Street

Raleigh, NC 27604

919 829 9464 office

919 247 9929 cell

Ken Bowers – can one of your staff please contact Mr. Pecounis?

Sincerely – Ruffin Hall

Ruffin L. Hall
City of Raleigh
Phone: 919-996-3070
Email: ruffin.hall@raleighnc.gov
Website: www.raleighnc.gov

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From: Ernest Pecounis [<mailto:pecounis@gmail.com>]
Sent: Monday, July 27, 2015 1:29 PM
To: Hall, Ruffin
Subject: Height caps in downtown.

Mr Hall,

If your time allows, I would like to ask for a clarification on the height caps, in Downtown Raleigh. The Raleigh 2030 plan seems to restrict the height in most areas of our business district to 20 floors. This is, in my humble opinion - many other downtown enthusiasts feel the same way - a ridiculously low number and I find it hard to believe that there is an individual in our city who feels that heights should be restricted to such a low height.

My question is the following: Does the 20-floor cap mean that a developer cannot build above 20 floors, or does it mean that a different process needs to be followed? If the latter is true, do we encourage developers to go above 20 floors or make it harder for them to consider skyscrapers, except for a few blocks?

Thank you, in advance, for your answer and consideration. Feel free to share my concerns about caps in the downtown with your colleagues.

Sincerely,

Ernest Pecounis
919-608-9511

From: [Walter, Bynum](#)
To: [Rezoning](#)
Subject: FW: Thanks :
Date: Friday, July 31, 2015 10:15:16 AM

Bynum Walter, AICP
Senior Planner
Long Range Planning Division
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One Exchange Plaza, Suite 300 (27601)
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<http://www.raleighnc.gov>

From: Crane, Travis
Sent: Friday, July 31, 2015 8:50 AM
To: Walter, Bynum
Subject: FW: Thanks :

Here is the response I received from Mr. Nipper regarding height-

Travis R. Crane

Planning and Zoning Administrator
City of Raleigh
One Exchange Plaza
Raleigh, North Carolina 27602
919.996.2656
www.raleighnc.gov

From: Donna and Dwight Nipper [<mailto:nipperd2@bellsouth.net>]
Sent: Thursday, July 30, 2015 4:46 PM
To: Donna and Dwight Nipper; Crane, Travis
Subject: Re: Thanks :

On Thursday, July 30, 2015 4:39 PM, Donna and Dwight Nipper <nipperd2@bellsouth.net> wrote:

Hey Again Travis :

Like Charlotte , I would like to see unlimited height concerning downtown high rises in the core of downtown . I think that their Bank of America Tower is 700 + feet . I also think that our downtown core area should include East / West Person St . / Dawson St . & North / South Hillsborough St . / South St . ! With this large core area , I believe that downtown Raleigh would meet their potential !

Travis , Thanks Again !

Best ,
Dwight Nipper

P.S. From Raleigh & lived here 67 yrs. except for 4 yrs. (Army/College)
I remember Raleigh's nickname was "sleepy capital of the south" , which

I can now say with pride , "Not Any More "!

On Thursday, July 30, 2015 10:56 AM, Donna and Dwight Nipper <nipperd2@bellsouth.net> wrote:

Thank You Travis for taking the time out to help me with my concerns .
My biggest question was concerning the feet height max because of
seeing Charter Square being 11 stories @ 210 feet height & seeing
the UDO stating 20 / 40 stories @ 250 feet / 500 feet , it does not
sound comparable on a LEED Project !

Many Thanks for your e-mail !

Best Regards ,
Dwight Nipper
District B

On Thursday, July 30, 2015 10:03 AM, "Crane, Travis" <Travis.Crane@raleighnc.gov> wrote:

Dwight-

Thanks for the email. I appreciate the feedback on the UDO regulations and the citywide rezoning map. You have asked a few questions below, mostly related to the regulations contained within the UDO regarding building height. As Mr. Hall indicates below, I will make sure the City Council receives these comments as they deliberate the citywide zoning map.

Height in the UDO is expressed both in the maximum number of stories and the maximum measureable height in feet. These two metrics work together. The first question you ask is how the maximum height per floor aligns with LEED certification standards. I admit that I am not an expert on LEED certification, although I am familiar with the process for designation. The US Green Building Council uses a point scoring system to designate different levels of LEED certification. Based on the number of points awarded, a building may receive certification of varying degree. The categories contain site considerations as well as building construction and management techniques. I do not know if interior building wall height relative to overall structure height is a consideration in the scoring system. I am willing to look into this further with someone who is more familiar with the standards.

Your second question relates to overall maximum building height in the UDO. The maximum height category is 40 stories and 500 feet. During the drafting of the UDO, there was some deliberation about maximum height. The 40 story limit was chosen simply

because the City does not have any existing building in excess of 32 stories.

That said, either of these standards can be modified with a change to the UDO. If the City Council so directs, the UDO can be modified to introduce new standards or revise existing standards.

Thanks again for the comments. I hope I have answered your questions. If you would like to discuss any further, please feel free to contact me directly.

Thanks-

Travis R. Crane

Planning and Zoning Administrator
City of Raleigh
One Exchange Plaza
Raleigh, North Carolina 27602
919.996.2656
www.raleighnc.gov

From: Hall, Ruffin
Sent: Sunday, July 26, 2015 2:26 PM
To: Donna and Dwight Nipper
Cc: Citycouncilors; Crane, Travis; Bowers, Kenneth
Subject: RE: Thanks :

Greetings, Dwight. Thanks again for your comments.

Travis – could one of the planning staff please contact Mr. Nipper with a response and include his comments as part of the remapping process? thanks.

Ruffin L. Hall
City of Raleigh
Phone: 919-996-3070
Email: ruffin.hall@raleighnc.gov
Website: www.raleighnc.gov

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From: Donna and Dwight Nipper [<mailto:nipperd2@bellsouth.net>]
Sent: Tuesday, July 21, 2015 9:34 PM
To: Citycouncilors; Hall, Ruffin
Subject: Thanks :

It was a pleasure to attend today's 1p.m. council meeting today . We are very blessed to have this privilege , freedom , & opportunity . I was very interested today in Mr. Kane's Project & the project @ 301 Hillsborough St.

Would you Please consider changing your feet height in future UDO High Rise Projects ? If any of these projects are LEED Projects , then the footage is way to

short . For example , Charter South being just 11 stories is 210 feet high . I'm guessing on this , but shouldn't a LEED Project be 15 feet per floor ?

What would be wrong for our downtown core area , to not have any limit on the height ?
If a developer wanted to build a 600 to 700 foot tower , what is wrong about this in the downtown core ?

Raleigh has so much potential if we would not limit our downtown skyline that is located in our city core .

Thank You Again For All Of Your Hard Work ! Today You Have Put In 12 + Hours !
Really is Unreal !

Best Regards ,
Dwight Nipper
District B

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